## **DOCKET NUMBER 8-3**

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- 2. As part of our engagement, the Firm has filed a Motion for Summary Adjudication with respect to all of the claims asserted by Lopez as plaintiff in the Civil Action.
- 3. On July 29, 2005 Lopez, through his attorneys, filed an *ex parte* Application to Stay Matter Pending Resolution of Motion to Dismiss Involuntary Bankruptcy that was heard by the Court in the Civil Action on August 1, 2005 due to the fact that Lopez failed to oppose Mr. Stanly's motion. The court allowed Lopez to file his opposition to our summary judgment up to and including August 19, 2005, and confirmed that the hearing thereon would go forward on September 16, 2005 in Department 28 (J. Orfield) on September 16, 2005.
- 4. I was personally involved with the preparation and presentation of the Motion for Summary Adjudication and its supporting declarations and exhibits. Based upon that, and the information acquired throughout our engagement in connection with the Civil Action, I have formed the professional opinion that Mr. Stanly has a strong likelihood of on prevailing on many (if not all) of the issues raised in our motion. If the motion is granted, it will fully dispose of all of the affirmative claims advanced by Lopez in the Civil Action, and relegate his participation in that litigation to that of a cross-defendant.
- 5. I have first-hand knowledge of all of the foregoing, and if called as a witness could, and would, testify in the manner herein above set forth.

I declare under penalty of perjury that the forgoing is true and correct. Executed on this 5<sup>th</sup> day of August, 2005 at San Diego, California.

//s// Timothy P. Dillon TIMOTHY P. DILLON